

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JIMMIE STEPHEN,

Petitioner,

v.

WARDEN G. MATTESON,

Respondent.

No. 2:20-cv-1003 KJM KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 28, 2020, and December 16, 2020, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within thirty days. Both parties filed objections to the October 28, 2020 findings and recommendations. ECF Nos. 16, 17. Defendant's objections essentially recite arguments from their motion to dismiss. *See* Mot. at 2–4, ECF No. 10. Petitioner also filed objections to the December 16, 2020 findings and recommendations. ECF No. 20.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the

findings and recommendations to be supported by the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed December 16, 2020, are adopted in full;
2. Petitioner's motion to amend the petition (ECF No. 18) is denied, and the proposed amended petition (ECF No. 18) is dismissed;
3. The findings and recommendations filed October 28, 2020, are adopted in full;
4. Respondent's motion to dismiss (ECF No. 10) is denied;
5. Respondent is directed to file an answer within thirty days;
6. This matter is referred back to the assigned magistrate judge for all further pretrial proceedings; and
7. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

DATED: March 31, 2021.


CHIEF UNITED STATES DISTRICT JUDGE